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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/628,224

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Jae-Gab Lee

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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.

1300 19TH STREET, N.W.

SUITE 600

WASHINGTON,, DC 20036

EXAMINER

TRAN, NHAN T

ART UNIT

PAPER NUMBER

2622

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04/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/628,224	Applicant(s) LEE ET AL.	
	Examiner NHAN T. TRAN	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-26 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed 1/3/2008, with respect to claims 6 & 18 have been fully considered and are persuasive. The rejection of claims 6 & 18 and their dependent claims has been withdrawn.
2. Applicant's arguments, filed 1/3/2008, with respect to claims 1-5 have been fully considered but they are not persuasive.

The Applicants argue that Armstrong does not disclose or suggest that the second keypad is used for performing non-communication functions when the upper body is rotated approximately 180° with respect to the rotation axis such that the second keypad and the display device are both disposed in the same side, as claimed, since Armstrong's featured device is not disclosed as having an upper body that is rotatable with respect to a rotational axis such that the push buttons located on the rear side and the display device can ever be disposed on the same side. The combined teaching of Tsukahara and Armstrong will not arrive at the claimed subject matter. (Remarks, pages 12 & 13).

In response, the Examiner understands the Applicants' arguments but respectfully disagrees.

Although Armstrong does not teach or suggest that the upper is rotatable, such teaching has been taught by Tsukahara (Figs. 4, 5, 7-11). In fact, Tsukahara teaches the upper body (4 in Figs. 7-11) is rotated approximately 180° with respect to the

rotation axis. Armstrong is relied for the teaching of an additional button (18) on the rear surface of the body to provide user convenience for operating the apparatus using either the same button on the front surface or the back surface. Taking combined teaching of Tsukahara and Armstrong, the camera in Tsukahara would be modified to include additional shutter release button 114 and/or zoom buttons 19 and 20 (Fig. 7) on the rear surface of the lower body (2) of the camera of Tsukahara so as to provide user convenience for capturing images while holding the camera over his/her head with the display on the upper rotated downward such that it is located on the same side with the buttons. This common practice would have been quickly recognized by one skilled in the art for enabling a highly operable and versatile camera. It is also noted that the shutter release button and/or zoom buttons are non-communication buttons as they do not perform any wireless communication.

In view of the above, claims 1-5 are met by the combined teaching of Tsukahara and Armstrong.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites, "the second keypad is used for performing non-communication functions." This limitation cannot be ascertained since the specification defines the second keypad being shutter release switch and zoom switch. Both of these switches must perform some type of communication by inherency to send command signal to the controller in order for the device to operate as disclosed. **Thus, the term "non-communication" is vague as it does not specify what type of communication is not performed by the second keypad (wireless or wired communication?).**

Claims 2-5 are also rejected as being dependent from claim 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukahara et al. (US 6,295,088) in view of Armstrong (US 6,347,997).

Regarding claim 1, Tsukahara discloses a bar-type wireless communication terminal comprising (see Figs. 1-11 and col. 3, lines 35-39):

a lower body (2) having a camera lens unit (6) arranged in its one side (Fig. 7), a first keypad (114, 19 & 20) arranged in its front side (col. 10, lines 31-44);

an upper body (4) having a display device (10) disposed in its front side (Fig. 7), said upper body being coupled to an upper end of the lower body in such a manner that the upper body is allowed to rotate in a twisted direction with respect to a rotation axis extending in a longitudinal direction of the lower body (see Figs. 7-11).

Tsukahara also discloses that the upper body is rotated approximately 180° with respect to the rotation axis (Figs. 7-11) such that the display is in the same side with the rear side of the lower body. Tsukahara does not teach that the lower body has a second keypad arranged in its rear side and the second keypad is used for performing non-communication functions when the upper body is rotated 180° with respect to the rotation axis such that the second keypad and the display device are both disposed in the same side.

However, Armstrong teaches a practice of constructing an additional key (18 shown in Figs. 3 & 9) on a back side of a lower portion of a handheld device, i.e., a camera phone, so as to allow the user conveniently manipulate the device using either the key on the front side or on the back side while holding the device with the fingers on the back side (see Armstrong, col. 6, lines 56-65 and col. 8, lines 12-34).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the wireless camera device in Tsukahara to incorporate the teaching of Armstrong to provide the second keypad (same as first keypad 114, 19 & 20) on the rear side of the lower body in addition to the first keypad in the front side so as to allow the user to conveniently manipulate the device when holding the device over his/her head for capturing and/or zooming (non-communication function) with the display facing

downward to the rear side of the lower body for previewing, thereby enabling a highly operable and versatile camera.

Regarding claim 2, as shown in Fig. 7 of Tsukahara, said upper body (4) further comprises a third keypad (23a-23c) arranged below the display device (10).

Regarding claim 3, Tsukahara in view of Armstrong also discloses that the first keypad has a 3x4 array and is adapted to input data including numbers and characters (see Armstrong, Figs. 3 & 9).

Regarding claim 4, as discussed in claim 1 above, the second keypad has a function of a shutter switch (shutter release button 114) for the camera lens unit.

Regarding claim 5, as discussed in claim 1 above, the second keypad has a function of a zoom switch (19 & 20) for the camera lens unit.

Allowable Subject Matter

7. Claims 6-26 are allowed.

The reason for allowance can be found in the Applicant's remarks filed 1/3/2008.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NHAN T. TRAN whose telephone number is (571)272-7371. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nhan T. Tran/
Primary Examiner, Art Unit 2622